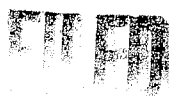


NEW JERSEY
CEMETERY BOARD

Jan 9, 2003



LSusan H. Gartland

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
CEMETERY BOARD

IN THE MATTER OF A DISCIPLINARY
ACTION AGAINST THE CERTIFICATE OF

PRINCETON MEMORIAL PARK
CA #134

Administrative Action

FINAL DECISION AND ORDER
AFTER UPL EXPLANATION

This matter was opened to the New Jersey Cemetery Board (hereinafter the "Board") on an investigation of the compliance by Princeton Memorial Park (hereinafter "Respondent") with the requirements of N.J.S.A. 8A:4-5 for deposits to be made to the Maintenance and Preservation Trust Fund of the cemetery company and reported annually; and of Respondent's compliance with the requirements of N.J.S.A. 8A:3-14(e) for establishing a trust fund of not less than 10% of the total construction cost for each of two mausoleums built by the cemetery company prior to use for interments.

On March 8, 2001, the testimony of Richard D. Braverman, President of Respondent, disclosed that the aforesaid deposits had not been made or timely reported for the years 1992 to 2001, inclusive. An audit of the records of Respondent conducted on behalf of the Board also indicated that the required segregation of the mausoleum trust funds had not taken place. The Board concluded that a total of twelve violations had occurred: ten violations of N.J.S.A. 8A:4-5 and N.J.S.A. 8A:4-12, and two violations of N.J.S.A. 8A:3-14(e).

On October 21, 2002, a Uniform Penalty Letter (hereinafter "UPL") was sent to Respondent setting forth the initial findings of the Board and offering Respondent the opportunity to settle this matter by acknowledging the violations and paying an aggregate civil penalty in the amount of

\$60,000.00, reflecting a civil penalty of \$5,000.00 for each of the twelve violations. In addition the letter directed Respondent to cease and desist from its failure make the required deposits to the Maintenance and Preservation Trust Fund and its failure to establish the separate mausoleum trust funds. Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving respondent's right to a hearing.

Waiving its right to a hearing, Respondent elected to submit a written explanation dated November 5, 2002, in which Respondent maintained that it had filed a timely Annual Report in compliance with N.J.S.A. 8A:4-12 in 1996, despite having failed to make the required deposits,¹ and had created trust funds for the two mausoleums, but had deposited them into its Maintenance and Preservation Trust Fund and into a certificate of deposit overlooked by the Board's audit. Respondent also argued that the amount of penalty assessed for each violation should be reduced to the lesser amounts which were set out in N.J.S.A. 8A:10-1(a) prior to the application of the Uniform Enforcement Act N.J.S.A. 45:1-2.1 et seq. to the Cemetery Board (N.J.S.A. 45:1-15) on January 18, 2000.

At its meeting on November 14, 2002, the Board considered the UPL and Respondent's explanation. With respect to charges that Respondent failed to make the required deposits and to report them in a timely manner, the Board found that there was no dispute with regard to at least nine (9) of these violations. With respect to charges that Respondent failed to establish trust funds for two mausoleums, the Board found that the funds had been established, although not properly set apart. Accordingly, the Board finds that Respondent failed to conform with statutory and/or regulatory obligations as set forth in the UPL, and thus it concludes that nine violations of N.J.S.A.

¹By letter of its counsel dated September 13, 2002, Respondent has already agreed to deposit \$305,514.60 into its M&P Trust Fund before December 31, 2002; to pay any additional amounts due the fund for 2000-2002, and to reimburse the Board for costs in the amount of \$7,350.00.

8A:4-5 and N.J.S.A. 8A:4-12 occurred. With respect to charges of violations of N.J.S.A. 8A:3-14(e), the Board finds Respondent's explanation to be credible, and thus insufficient proof exists to support a finding that two violations of N.J.S.A. 8A:3-14(e) occurred. The Board declined to apply the lesser penalty amounts of N.J.S.A. 8A:10-1(a) and concluded that the Legislature intended for the provisions of N.J.S.A. 45:1-25 to apply with regard to violations charged after January 18, 2000. The Board noted that the penalties assessed are substantially less than the maximum amounts which could be imposed pursuant to N.J.S.A. 45:1-25.

Based on the foregoing:

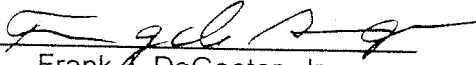
IT IS on this 9th day of January, 2003,

ORDERED that:

1. Respondent shall pay to the Cemetery Board a civil penalty in the total amount of \$ 45,000.00 for the violations as set forth in the UPL and found as detailed above. Said payment shall be made by certified check or money order payable to the New Jersey Cemetery Board and shall be delivered within ten (10) days of service of this order to the Executive Director at the Board, P. O. Box 54036, Newark, New Jersey 07101. Failure to remit the payment required by this Order will result in the filing of a certificate of debt.

2. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE
CEMETERY BOARD

BY: 
Frank J. DeGeeter, Jr.
President

NYUCA-PRINCETON MEMORIAL **PAGE CERTIFIED**

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PAY
TO THE
ORDER OF

PAYABLE ONLY AS ORIGINALLY DRAWN
AND WHEN PROPERLY ENDORSED
FIRST AMERICAN INTERNATIONAL BANK

DATE 1/20/2003

1-1040/200

New Jersey Cemetery Board JAN 21 2003

\$ 52,350.00

Fifty Two Thousand Three Hundred Fifty /

NO 28891877
NEW YORK, NY 10002

DOLLARS

恒通銀行

23 Bowery
New York, NY 10002

AUTHORIZED SIGNATURE
DO NOT DESTROY

FOR

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